IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO.79 OF 2004

Mr. Lino D'Souza, s/o late Jeferine D'Souza, major of age, r/o Saligao, Bardez, Goa, through his power of attorney holder, Mr. Albino D'Souza, r/o Saligao, Bardez, Goa. ... Appellant.

Versus

1. Mr. Rosario Marcial Cabral Fernandes, major of age, r/o H.No.172, Panaji, Goa, and

2. Mr. Ankush Rajaram Naik, major of age, proprietor of M/s. Vishal Construction, having its office at E-655, St. Inez, Panaji, Goa. ... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Ms. S. Naik, advocate for the appellant.

Mr. J. Godinho, advocate for respondent no.1.

CORAM : A. P. LAVANDE, J.

DATE : 28th April, 2005.

ORAL ORDER

This Second Appeal is directed against the Judgment and Decree dated 30th June, 2004, passed by the Ad-hoc Additional District Judge (Fast Track Court), Mapusa, in Regular Civil Appeal No.96/2001,

dismissing the appeal against Order dated 4th July, 2001 passed by the Civil Judge, Senior Division, Panaji, in Civil Miscellaneous Application No.19/98/A in Execution ApplicationNo.16/19/98.

2. Heard Mr. Lotlikar, learned Senior Counsel with Ms. S. Naik, for the appellant and Mr. J. Godinho for the respondent no.1. I have perused the impugned Judgment and Decree as well as the Order dated 4th July, 2001 passed by the trial Court. The findings given by both the courts below cannot be said to be perverse and are based on material on record. In my opinion no substantial question of law is involved in the present appeal. Therefore, the same is summarily rejected. No order as to costs.

A. P. LAVANDE, J.

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